

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE TRONOX INCORPORATED, *et al.*,  
Debtors,

----- x  
STANLEY WALESKI, on his own behalf :  
and on behalf of all others similarly :  
situated, :  
Plaintiff-Appellant, :  
- against - :  
:

MONTGOMERY, McCRACKEN, :  
WALKER & RHOADS, LLP, *et al.*, :  
Defendants-Appellees. :  
:  
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**SUMMARY ORDER**  
**AFFIRMING ORDERS OF**  
**BANKRUPTCY COURT**

20 Civ. 2128 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Appellant appeals two orders of the United States Bankruptcy Court for the Southern District of New York: an order of July 18, 2019, denying Plaintiff's Motion for Remand or Abstention, and an order of February 21, 2020, granting Defendants' motion to Dismiss the Amended Complaint as barred by the Pennsylvania statute of limitations. I held oral argument on October 27, 2020 and, upon the briefs and argument, affirmed both orders, stating my findings and conclusions in the record of argument. For the reasons stated in the record, I held:

- (1) The District Court has jurisdiction to hear the appeal. 28 U.S.C. § 158(a).
- (2) Plaintiffs' claim against defendants for professional malpractice in the bankruptcy proceedings of Tronox, Inc. 09-10156 (MEW), U.S. Bankr. Ct., S.D.N.Y., as alleged in plaintiffs' complaint and amended complaint in the Court of Common Pleas, Lucerne County, No. 19-1087 (MEW), "arose in" the Tronox bankruptcy proceedings. 28 U.S.C. §§ 157(a), 1334(b). Thus, the action in the Pennsylvania state

court was properly removed to the United States District Court for the Middle District of Pennsylvania, and the court below correctly dismissed plaintiffs' motion to remand the case to the Pennsylvania state court.

(3) Plaintiffs' motion to remand upon grounds of mandatory and permissive abstention was properly denied, 28 U.S.C. § 1334 (c)(1), (2).

(4) Accordingly, the order of July 18, 2019 is affirmed.

(5) Defendants' motion to dismiss the complaint as time barred was properly granted, and the order of February 21, 2020 is affirmed.

The Clerk shall mark ECF No. 1 terminated, and enter judgment dismissing the complaint against defendants, with costs.

SO ORDERED.

Dated: October 28, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'Alvin K. Hellerstein', written over a horizontal line.

ALVIN K. HELLERSTEIN  
United States District Judge